

**Minutes of the Regular Meeting of the Milford City Council held on Tuesday, January 20, 2015 at 7:00 p.m. at the City Offices located at 26 South 100 West, Milford, Utah.**

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**Present:** Mayor Nolan Davis, Council Members Aaron Cox, Karrie Davis, Wayne Hardy, Troy Netto, and Russell Smith. City Administrator Makayla Bealer, City Recorder Monica Seifers, Administrative Assistant Lisa Thompson, City Foreman Ben Stewart, Attorney Leo Kanell and Chief Les Whitney were also present.

**Visitors:** Max Anderson, Jesse Ralphs, Bill Western, Terry Wiseman, Cullen Carter, Sheriff Noel, Kiley Maycock, Vincent Cox, Bart Fisher, Iva Davis, Brenda Seifers, Patricia Davis, Cynthia Davis, Adam Davis, Ahmrae Davis, Jordan Carter, Riley Rose, Mike O'Daniel, and Taylor Pierce.

**MEETING CALL TO ORDER**

Mayor Davis called the meeting to order at 7:01 p.m. followed by the Pledge of Allegiance.

**RECOGNITION OF VISITOR'S RELATING TO CITY BUSINESS**

**Les Whitney - EMS Presentation (7:03 pm)**

Chief Whitney presented Mayor Davis with a plaque in recognition and honor of his service to the fire service in Utah and Nevada for over 40 years. Chief Whitney had the opportunity to work with Nolan Davis over the years and learned a great deal from him and his twin, Norman Davis. Nolan has served as a firefighter, fire marshall, and deputy chief in his 40 years with the department. Chief Whitney thanked Deputy Chief Davis for his years of service. Nolan thanked Chief Whitney for his dedication to the department as well stating he always goes above and beyond his call of duty and his relationship has meant a great deal to him. Chief Whitney extended an invitation to the crowd to join in for refreshments following the council meeting.

**(New Business) Appointment of Lisa Thompson as City Representative for LEPC and CHERC (7:08 pm)**

Chief Whitney met with Mayor Davis recently and discussed city appointments to the LEPC and CHERC committees. Lisa Thompson, Administrative Assistant, was proposed for being involved in these committees. Chief Whitney has discussed it with Mrs. Thompson who is willing to participate.

***MOTION:** Council Member Russell Smith moved to approve the Appointment of Lisa Thompson as the City Representative for the LEPC and CHERC response groups. Council Member Davis asked Ms. Thompson how she felt about it, it sounded like a lot of meetings. Mrs. Thompson stated she talked about it with Mr. Whitney and was okay with the appointment. Motion was seconded by Council Member Wayne Hardy. Motion passed, all were in favor.*

**Update on Wildland Fire Plan (7:11 pm)**

Chief Whitney, the mayors from each community, and the county commissioners met with the State of Utah Forestry and Fire Management Officer. There is a fire management plan within Beaver County that has been put together by the State of Utah, and we have been participating in it for a number of years. To put it into perspective, there is a fund, an insurance fund if you will, that agencies pay into to handle the costs of a wildland fire. To date, the Milford Flat fire of 2007 is still the largest wildfire in the State of Utah. It cost the residents of Beaver County \$5,000.00 total. If we would have had to pay for the entire cost, we would be in the multi million dollar range. The state is changing the way this fund is handled. The three cities in the county were left out of the agreement. He stated it would not affect Milford City a whole lot, we are incorporated; Minersville Town would be a little more affected, but Beaver City would be at most risk as they have the Grove. The cost to the cities has not been determined, it is in the process of being prepared. As information becomes available, Chief Whitney will keep Milford City informed, he does not see that it will affect Milford City much at this point.

Mayor Davis stated that it would affect the area previously discussed for annexation, to the north, should Milford City annex that land and there be a wildfire, the city would be responsible for wildland fire suppression.

**(Visitors) Bill Western and Jesse Ralphs (7:15 pm)**

Mayor Davis asked Attorney Kanell to provide an update on the letter from the LDS Church. Attorney Kanell explained that the letter from the LDS Church stated that the church building was deeded to the city with a clause that said once the building is no longer used for municipal and public purposes, it would be at the LDS Church's option of whether or not they want to take the building back. They discuss other cases; Attorney Kanell has reviewed them citing that it depends on how the agreement would be interpreted by a judge. The argument is different depending on which side you sit. It appears that nobody wants the building. There is a legal terminology in the contract that would help their position. Mayor Davis spoke with Jesse Ralphs last week, who asked if the LDS Church would allow the demolition of the building, and would they be willing to work with the City in the demolition. Attorney Kanell stated that would be a compromise the city would hope they would be willing to do. Jesse Ralphs stated that it is hard to pinpoint the cost of renovation, until we start demolition we have no idea what renovation roadblocks will be present in addition to having to replace the roof because the bats are getting in, and there is the known issue of asbestos. An asbestos report would have to be completed before proceeding with anything else. We will need to have a structural analysis done on the building. There is a lot of potential for high costs with renovation and demolition. Bill Western has contacted Hughes Construction and they quoted an estimate of \$50,000 - \$70,000 to demolish this building. Nate Robinson quoted about \$50,000. But there is still the issue of asbestos abatement and removal. If we were able to do demolition locally it may reduce the overall costs. There are different ways to demolish a building, using a salvage company can save money, but it takes extra time. Mr. Western added that lead paint can be a costly factor in remodeling old buildings. There are many aspects involved with a building of this age. Council Member Davis asked how much asbestos removal would cost. Mr. Western explained it varied depending on what all supplies are in place. Jesse added that it didn't matter if it was being demolished or remodeled, the study would have to be done. If the city was able to use the current property, they felt a smaller building would suffice. Bill also explained that if the current building was renovated, there are many additions that would need to be considered, for example, ADA compliance, fire suppression, and installation of an elevator to the second floor. Seismic upgrades would also have to be analyzed. Mr. Western cited that using another older building in town is going to present the same concerns. The old school and hospital were for a different use, those buildings would have to be renovated for public/municipal use. This is very challenging.

**Sheriff Cameron Noel - Budget Review and Discussion (7:34 pm)**

Sheriff Cameron Noel clarified that he wanted to work with the city. He felt they have provided services beyond their contract for a few years now; they provide 24 hour coverage per day. Sheriff Noel presented Council with handouts explaining that the crime rates have dropped substantially. The reason why is here tonight is that these services cost money. Milford City received the same amount of coverage and services as Beaver City. Council Member Karrie Davis asked if they put the same amount of coverage in Milford because the crime rate was higher? Sheriff Noel explained that the coverage went from 8 hours coverage in the morning and 8 hours of coverage at night, which left a gap and was not safe for the officers or for the constituents, to full patrol coverage. Council Member Netto asked if the coverage included staff or it was just for patrol? Sheriff Noel explained that we may only have one

patrol officer but there would also be a supervisor and maybe a school resource officer during the week. Mayor Davis stated there was no disputing the coverage and the council appreciated everything the department did. There were some issues with communication regarding the contract. With the constraints on the General Fund, the city could not accept an increase in the contract. There was an agreement made that the city would pay the delinquency. Sheriff Noel agreed and hoped that the agreement would continue. City Administrator Bealer addressed the budget for Fiscal Year 2014-2015, stating that there was only one payment remaining until the new budget begins on July 1, 2015, this was in line with the agreement. The city budgeted \$169,978.00 for the 2014-2015 Fiscal Year Budget, year-to-date we have paid \$158,646.00. The city plans to budget the same amount for the 2015-2016 Fiscal Year Budget, which would bring the deficiency current at the end of that fiscal year. There was an agreement made in the July 7, 2014 commission meeting and everyone was on the same page. The city has since received a letter, which Administrator Bealer responded to, she just wants to make sure everyone is on the same page now. Sheriff Noel was in agreement with that but stated that there is now a deficit in the county budget and the leaders in the communities as well as the county need to come together and address that. Mayor Davis addressed the second concern this group had, we setup a meeting to discuss this, had one meeting in Beaver where it was discussed going to a county wide tax where it was equally amongst every citizen of the county. After that first meeting, we were told to wait til after the election when all of the information would be available for us to make a good analysis. Mayor Davis has no problem getting up in front of the county and saying this is what we need to do, he believes it should be shared equally amongst everybody in the county. He feels we should be going out and educating the citizen's, providing the figures for providing the services, but we are having some issues with getting those figures. Attorney Kanell felt that the county was on the same page. He explained that the county is collecting property taxes and putting it into law enforcement, and then the city is collecting property taxes that go into law enforcement, so the people are paying twice for that. The argument for that is if the county took it over would the cities reduce their tax rates? It would be fair if one person paid one bill for the law enforcement based on their property value. There was prior discussion on taking it to the voters. The other option is going to the next general election with a tax levy. Council Member Netto asked if Attorney Kanell knew what the change would be. Attorney Kanell was thinking it was about \$60 for \$150,000. The question is how much do you raise the levy to cover the difference. Mayor Davis asked if Pot Ash Ridge, or other centrally taxed companies, came in would the tax-rate to the citizen's be lowered? Attorney Kanell - absolutely, as the valuation goes up, the tax rate goes down. City Administrator Bealer revisited the Sheriff's Contract Committee, is this something that can be regrouped so we can get the figures and try to get the information out to our citizen's. Attorney Kanell stated Scott (Albrecht) had the figures today and they weren't as bad as what Attorney Kanell thought they would be, and they may even be better, according to Scott. Mayor Davis stated he did not want to see any changes to the coverage, but he feels this is the only fair way to pay for the services. Council Member Davis stated that this is something that has been talked about for a long time, a plan needs to be made but addressed the deficit problem stating that if it meant cutting back on coverage, then we need to. We need to figure out how to fix our problem now. Administrator Bealer explained that the city has the money to pay it, we have budgeted enough to get us caught up. Council Member Davis stated that even if we were caught up, we don't have the money to pay the bill, as it is, they way she understood it. Administrator Bealer replied no, we are not. Council Member Davis stated the city was having problems paying all of our bills. Administrator Bealer - no, we are not.



Council Member Davis - then I have been functioning under a whole different idea than you guys have, we have let go of a lotta people then that didn't need to be let go, I guess. Attorney Kanell explained that there has been alot of gain made in the deficit and if you look at the financials you will see that. He may have made comments steering you to believe different, but after reviewing the financials it is clear to see that the General Fund deficit has been improved. Council Member Cox asked Sheriff Noel if he was on board with what was agreed to for getting caught up. Sheriff Noel stated he was fine, he understood there was a letter sent and he does not know why. He is fine, as long as we plan on getting it caught up, it wasn't him that was concerned, it is the commissioners just as much as him. They just want to make sure there was a track there. Sheriff Noel does have a concern with cutting the coverage for the constituents, as well as cutting the amount that is being paid. That he would have a hard time selling to the commissioners or to anyone else. Council Member Cox - so until our contract is all caught up, you need to cut us down, is that what you are saying then. Sheriff Noel - no, we are going to continue as regular and let you continue to catch up with your contract. That's where we are at but we do have to have a plan for going forward. Mayor Davis feels the citizen's should have a say on how the services are paid for. Council Member Cox asked if we would be getting more nasty letters after budget year. Sheriff Noel didn't think so, but realize that the county has been paying a \$1.1 million dollar deficit, year after year, after year. It's come to a point where, just like you, times are tough for us too. They cut Sheriff Noel's budget by over \$400,000, for the first time ever. Council Member Cox said he understood, but we had something in place to take care of that before we got these letters. Attorney Kanell felt that we were all in agreement. They wish the letters had never got sent, but we do need to analyze this and the Mayors need to help decide that. Council Member Netto asked if there was any revenue that was received from the jail. Sheriff Noel stated there was actually a loss. Next step, Administrator Bealer will email the group and get a date for a meeting in February.

#### **CONSENT ISSUES (8:03 pm)**

Consent issues including bills and payroll, Minutes of Regular Meeting December 16, 2014, Special Work Session - Auditor's Presentation January 7, 2015, and Financial Report - December 2014 were presented. ***MOTION:** Council Member Karrie Davis moved to approve the consent issues as presented. Motion was seconded by Council Member Aaron Cox. Motion passed, all were in favor.*

#### **NEW BUSINESS (8:05 pm)**

##### **Utah State Treasury Withdrawal Approval**

City Administrator Bealer presented the Withdrawal Approval of \$66,000 to pay the sewer bond payment. ***MOTION:** Council Member Troy Netto moved to approve the withdrawal from the Utah State Treasury to make the bond payment. Motion was seconded by Council Member Russell Smith. Motion passed, all were in favor.*

##### **Appointment of Tyler McMullin as Recreation Director**

***MOTION:** Council Member Karrie Davis moved to approve the Appointment of Tyler McMullin as the Recreation Director. Motion was seconded by Council Member Wayne Hardy. Motion passed, all were in favor.*

##### **Declaration of Surplus Equipment**

City Recorder Seifers reported the library had two computers that needed to be surplused. One is complete with monitor mouse and keyboard, the second includes mouse and keyboard only. There was not a minimum suggested by the librarian. In the past we have set as best offer recieved. They are pretty old computers and have both been set to factory defaults. ***MOTION:** Council Member Aaron*

*Cox moved to declare the equipment as surplus with best offer. Motion was seconded by Council Member Wayne Hardy. Motion passed, all were in favor.*

#### **Closure of Library on Last Friday of Each Month for Administrative Upkeep**

Administrator Bealer reported that the library staff have discussed closing down one day per month to the public to allow them to do some necessary reporting. She did not see any problems with it, it is supported by the Library Board, she would like to get the Council's feedback. Council Member Davis wondered if Friday was the best day for them to close, from her experience when she was volunteering down there it was one of the busier days. She suggested Tuesday or Thursday being a better day. Council Member Netto agreed, with school getting out earlier on Friday it may not be the best day. Council asked to have the closure day changed to either Tuesday or Thursday. Administrator Bealer will discuss with Librarian Fowles.

#### **COMMENTS(8:10 pm)**

- City Administrator Bealer reported that the city was current on their Sheriff's Department Contract payment, as of January but we won't be making any additional payments unless the council wants to open up their budget; however, that will take away from the gains to the deficit that they are trying to correct. Mayor Davis stated that the city was doing fine, just keep it how it is. Administrator Bealer - do you just want to budget the \$169,978.00 for the next budget year? Mayor Davis - yes. Administrator Bealer will send a letter with the final payment to be sent for this budget year stating that this is the final payment they will be receiving for this fiscal year, no future payments will be scheduled until after July 1<sup>st</sup>.
- Mayor Davis reported that the city would be conducting a survey that is required in order to apply for any funding through the CDBG. We also have to have it done if any of the service districts want to apply. The crew will be conducting the survey to residents here in town. It will only ask for number of people in household and the annual income. There is no identification of the survey recipients and the results will be forwarded directly to Dianne Lameroux of Five County Association of Governments so it is completely confidential.
- Council Member Cox asked Foreman Stewart if he was able to get ahold of Cory (Beebe) on them roads they talked about last meeting. Foreman Stewart did and was told it would happen that next week. He will contact Cory again.
- Council Member Cox reported of complaints on the road in front of Wayne Jr's (Wiseman) on down stating that the gravel has been dispersed and it is all muddy and stuff. He asked if the crew could take a look at it and see what kind of attention it might need, suggesting they talk to Cory about getting help with the grader.
- Council Member Davis reported that the Library has money in an account that has been collected through faxing and copying, there is about \$6,000 and they would like permission to spend approximately \$2500 to buy furniture to put in the library to make a reading area, as well as purchase shelving for books. City Administrator Bealer stated that the money is in the State Treasury, and is listed on the financials under the State Treasury Report, line item number 4. She discussed this with John (Fowles) explaining that he does not have this money budgeted for this fiscal year but if it is something he wants to do it needs to be included in the budget for the upcoming fiscal year because there isn't anywhere to expense this in the budget. Council Member Davis stated that he must have misunderstood then. Administrator Bealer asked when she talked with him. Council Member Davis - last week sometime. Administrator Bealer met with him last Thursday and he was confused; he

thought this didn't run through the city budget. She explained that all funds run through the city budget. He was going to include this in his wish list for the 2015-2016 budget, unless the council wanted to open this year's budget up. Council Member Davis - no, not for that. He misunderstood, he thought it was available this year. Administrator Bealer - the library right now has \$8,000 that they could use for upcoming projects, if budgeted.

- Council Member Davis stated that she would like to get the employees into a building while the long term decisions are being weighed, even if that means renting something in the mean time. Mayor Davis agreed adding that it needed to be quick, before the bats return.
- Member Hardy reported of some concerns relayed to him about EC Source pulling their equipment onto the airport apron. Administrator Bealer to contact Dave Simundsen.
- Mayor Davis has been contacted by Animal Control. The shelter is going to be offering boarding of cats and dogs. There is a \$25 fee and then \$10 per night.
- Mayor Davis will be meeting with Commissioner Whitney, Scott Albrecht, and Better City. They would like to meet downtown to look it over and see if there are any redevelopment projects we can look into. Jeff from Better City says there is funding and grants available. He will provide an update following the review.

#### **OLD BUSINESS (8:15 pm)**

##### **Discussion of City/County Building Options - Nolan Davis**

Special Work Session was scheduled for Thursday, January 29, 2015 at 8 am. at which time open and public meeting training will take place in addition to discussion of the building.

#### **MEETING ADJOURNMENT**

As there was no further business the meeting adjourned at 8:19 p.m.

**APPROVED by City Council this 4<sup>th</sup> day of March, 2015.**

  
**MONICA D. SEIFERS, City Recorder**